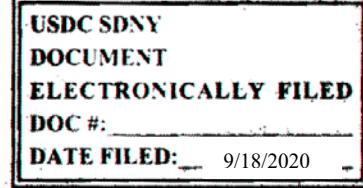


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHARIF KING,

Plaintiff,

20-CV-4527 (AJN)(SN)

-against-

ORDER OF SERVICE

CORRECTION OFFICER WHITE, et al.,

Defendants.

-----X

SARAH NETBURN, United States Magistrate Judge:

Plaintiff, currently incarcerated at Great Meadow Correctional Facility, is proceeding *pro se* and *in forma pauperis*. He filed a complaint under 42 U.S.C. § 1983, regarding events beginning on November 12, 2019, when he was transported from Downstate Correctional Facility to Bronx County Supreme Court. On July 17, 2020, the Hon. Alison J. Nathan issued an order pursuant to Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997), directing the New York City Law Department (the “Law Department”) to identify four John Doe defendants. ECF No. 12. Judge Nathan referred the matter to me for general pretrial supervision.

On September 15, 2020, the Law Department filed a letter with the Court identifying John Doe #1 as Captain Flemens, Shield No. 1800, assigned to the New York City Department of Correction (DOC) Emergency Services Unit (ESU); and John Doe #3 as Correction Officer Lin, Shield No. 17797, assigned to the Manhattan Detention Complex (MDC). The Law Department stated it has requested, but not yet received, documents pertaining to John Doe #2; and informed the Court that it has been unable to ascertain the identity of John Doe #4 (described by Plaintiff as “DOC Chief of Security and Executive Officer of the Operations Security Intelligence Unit”).

Based on those representations, the Law Department requests a 30-day extension to identify John Doe #2 and requests the Court to direct Plaintiff to provide additional information regarding John Doe #4.

DISCUSSION

A. Rule 21 of the Federal Rules of Civil Procedure

The Court directs the Clerk of Court, under Rule 21 of the Federal Rules of Civil Procedure, to substitute Captain Flemens for John Doe #1, and C.O. Lin for John Doe #3, and to amend the caption to reflect the same.

B. Waiver of Service

The Clerk of Court is directed to notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that DOC ESU Captain Flemens, Shield No. 1800; and MDC C.O. Lin, Shield No. 17797, waive service of summons.

C. John Doe Defendants

1. Extension of Time

The Court grants the Law Department an additional thirty days from the date of this order to ascertain the identity of John Doe #2, and to provide that information to Plaintiff and the Court.¹

2. Plaintiff to Provide More Information

By October 2, 2020, Plaintiff shall provide as much additional information as possible about John Doe #4 to the Law Department to assist in its efforts to ascertain the identity of that individual. Such additional information may include physical descriptions of John Doe #4 or descriptions of John Doe #4's job title or responsibility.

¹ After all John Doe defendants have been identified, Plaintiff must file an amended complaint naming the individual defendants in the caption.

D. Local Rule 33.2

Local Civil Rule 33.2, which requires defendants in certain types of prisoner's rights cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the Court's website under "Forms" and are titled "Plaintiff's Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents." Within 120 days of the date of this order, any new defendants must serve responses to these standard discovery requests. In their responses, defendants must quote each request verbatim.²

CONCLUSION

The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff and note service on the docket. The Clerk of Court is further directed, under Rule 21 of the Federal Rules of Civil Procedure, to substitute in the caption Captain Flemens, Shield No. 1800, as a defendant in place of John Doe #1, and Correction Officer Lin, Shield No. 17797, as a defendant in place of John Doe #3. The Clerk of Court shall also notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that Captain Flemens, Shield No. 1800, and C.O. Lin, Shield No. 17797, waive service of summons.

By October 2, 2020, Plaintiff will provide the Law Department additional information about John Doe #4. By October 19, 2020, the Law Department will provide the Court and Plaintiff with identifying information for John Doe #2.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: September 18, 2020
New York, New York

² If Plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the Pro Se Intake Unit.